

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TAQUENTA MARCHANT,
o/b/o A.A.H.,
Plaintiff

v.

ANDREW SAUL,
Commissioner of Soc. Sec.,¹
Defendant

:
:
:
:
:
:
:
:
:

CIVIL ACTION

No. 18-345

ORDER

AND NOW, this 7th day of August, 2020, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review (Doc. No. 11); Defendant's response thereto (Doc. No. 12); Plaintiff's reply (Doc. No. 14); Defendant's sur-reply (Doc. No. 16); United States Magistrate Judge Richard A. Lloret's Report and Recommendation dated January 9, 2019 (Doc. No. 17); Defendant's objections thereto (Doc. No. 23); Plaintiff's response to the objections (Doc. No. 27); the parties' supplemental briefing (Doc. Nos. 32, 33); United States District Judge Robert F. Kelly's Order and Memorandum sustaining Defendant's objections, overruling Judge Lloret's Report and Recommendation, and referring the case to Judge Lloret for a Report and Recommendation on the merits (Doc. Nos. 34, 35); Judge Lloret's Report and Recommendation dated August 28, 2019 (Doc. No. 36); Plaintiff's Motion to Stay and for Extension of Time to File Objections (Doc. No. 37); Defendant's Notice of Supplemental Authority (Doc. No. 41); Plaintiff's Motion to Vacate Stay (Doc. No. 43); Defendants' Status Reports (Doc. Nos. 44–46); Plaintiff's Objections to Judge Lloret's Report and Recommendation dated August 28, 2019 (Doc. No. 49); and Defendant's response thereto (Doc. No. 50); it is **ORDERED** that:

¹ On June 17, 2019, Andrew Saul was sworn in as the Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Andrew Saul should be substituted for Nancy A. Berryhill as the defendant in this suit.

1. Plaintiff's Objections (Doc. No. 49) are **SUSTAINED IN PART and DEEMED MOOT IN PART**.
2. The Order and Memorandum sustaining Defendant's objections and overruling Judge Lloret's Report and Recommendation (Doc. Nos. 34, 35) are **VACATED**.
3. The Report and Recommendation dated August 28, 2019 (Doc. No. 36) is **DEEMED MOOT**.
4. Defendant's Objections (Doc. No. 23) are **OVERRULED**.
5. The Report and Recommendation dated January 9, 2019 (Doc. No. 17) is **APPROVED AND ADOPTED IN PART and MODIFIED IN PART** as set forth in the accompanying Memorandum.
6. Plaintiff's Brief and Statement of Issues in Support of Request for Review (Doc. No. 11) is **GRANTED**.
7. The matter is **REMANDED** to the Commissioner of Social Security in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the accompanying Memorandum.
8. **JUDGMENT IS ENTERED** in favor of Plaintiff, **REVERSING** the decision of the Commissioner of Social Security.
9. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

s/Gene E.K. Pratter

GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE